

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 1034 & 802

94TH GENERAL ASSEMBLY

2008

4360L.13T

AN ACT

To repeal section 407.300, RSMo, and to enact in lieu thereof five new sections relating to scrap metal, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 407.300, RSMo, is repealed and five new sections enacted in lieu thereof, to be known as sections 407.300, 407.301, 407.302, 407.303, and 570.055, to read as follows:

407.300. 1. Every **purchaser or** collector of, or dealer in, junk, **scrap metal**, or any secondhand property shall keep a register [which shall contain the name and address of the person from whom] **containing a written or electronic record for each purchase or trade in which each type of metal subject to the provisions of this section is obtained for value. There shall be a separate record for each transaction involving any:**

(1) Copper, **brass, or bronze;**

(2) Aluminum wire [or is purchased,], cable, **pipe, tubing, bar, ingot, rod, fitting, or fastener; or**

(3) **Material containing copper or aluminum that is knowingly used for farming purposes as "farming" is defined in section 350.010, RSMo;**

whatever may be the condition or length of such [copper wire or cable] **metal. The record shall contain the following data: A copy of the driver's license or photo identification issued by the state or by the United States government or agency thereof to the person from whom the material is obtained, which shall contain a current address of the person from whom the material is obtained; [the residence or place of business and driver's license number of such person;] and the date, time, and place of and a full description of each such**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 purchase **or trade** including the quantity by weight thereof[; and shall permit any
20 peace officer to inspect the register at any reasonable time].

21 **2. The records required under this section shall be maintained for**
22 **a minimum of twenty-four months from when such material is obtained and**
23 **shall be available for inspection by any law enforcement officer.**

24 **3. Anyone convicted of violating this section shall be [fined not less than**
25 **twenty-five dollars nor more than five hundred dollars, or imprisoned for not less**
26 **than thirty days nor more than six months, or both] guilty of a class A**
27 **misdemeanor.**

28 **4. This section shall not apply to any of the following transactions:**

29 **(1) Any transaction for which the total amount paid for all regulated**
30 **scrap metal purchased or sold does not exceed fifty dollars;**

31 **(2) Any transaction for which the seller, including a farm or farmer,**
32 **has an existing business relationship with the scrap metal dealer and is**
33 **known to the scrap metal dealer making the purchase to be an established**
34 **business or political subdivision that operates a business with a fixed**
35 **location that can be reasonably expected to generate regulated scrap metal**
36 **and can be reasonably identified as such a business; or**

37 **(3) Any transaction for which the type of metal subject to subsection**
38 **1 of this section is a minor part of a larger item, except for equipment used**
39 **in the generation and transmission of electrical power or**
40 **telecommunications.**

407.301. 1. No scrap metal dealer shall knowingly purchase or
2 **possess a metal beer keg, whether damaged or undamaged, or any**
3 **reasonably recognizable part thereof, on any premises that the dealer uses**
4 **to buy, sell, store, shred, melt, cut, or otherwise alter scrap metal except**
5 **when the purchase is from the brewer or its authorized representative. For**
6 **purposes of this section, "keg" shall have the same meaning as in section**
7 **311.082, RSMo.**

8 **2. Anyone who is found guilty of, or pleads guilty to, violating this**
9 **section shall be guilty of a class A misdemeanor punishable only by**
10 **fine. Nothing in this section shall be construed to preclude a person**
11 **violating this section from also being prosecuted for any applicable**
12 **criminal offense.**

407.302. 1. No scrap yard shall purchase any metal that can be
2 **identified as belonging to a public or private cemetery or to a political**
3 **subdivision or electrical cooperative, municipal utility, or a utility**
4 **regulated under chapter 386 or 393, RSMo, including bleachers, guardrails,**

5 signs, street and traffic lights or signals, and manhole cover or covers,
6 whether broken or unbroken, from anyone other than the cemetery or
7 monument owner, political subdivision, electrical cooperative or utility, or
8 manufacturer of the metal or item described in this section unless such
9 person is authorized in writing by the cemetery or monument owner,
10 political subdivision, electrical cooperative or utility, or manufacturer to
11 sell the metal.

12 2. Anyone convicted of violating this section shall be guilty of a class
13 B misdemeanor.

407.303. 1. Any scrap metal dealer paying out an amount that is five
2 hundred dollars or more shall make such payment in the form of a check
3 or shall pay by any method in which a financial institution makes and
4 retains a record of the transaction.

5 2. This section shall not apply to any transaction for which the seller
6 has an existing business relationship with the scrap metal dealer and is
7 known to the scrap metal dealer making the purchase to be an established
8 business or political subdivision that operates a business with a fixed
9 location that can be reasonably expected to generate regulated scrap metal
10 and can be reasonably identified as such a business.

570.055. Any person who steals or appropriates, without consent of
2 the owner, any wire, electrical transformer, metallic wire associated with
3 transmitting telecommunications, or any other device or pipe that is
4 associated with conducting electricity or transporting natural gas or other
5 combustible fuels shall be guilty of a class C felony.

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